

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

22-cv-6245 EAW

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

**1. CAPTION OF ACTION**

**A. Full Name of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Kay Lorraine Sackett

-VS-

**B. Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. Lowe's Home Centers LLC

2. Damian Dirlam

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

*All of these sections MUST be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

**A. Basis of Jurisdiction in Federal Court:** Lowe's operates in states throughout USA. and Service Pro is their install company

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

**B. Reason for Venue in the Western District:** It is where I worked in Macedon, Ny.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

**C. Nature of Suit:** Civil Rights

### 3. PARTIES TO THIS ACTION

**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Kay Lorraine Sackett

Present Address: 2453 Rt. 64 North  
Bloomfield ny. 14469

Name of Second Plaintiff: \_\_\_\_\_

Present Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION** NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Lowe's Home Centers LLC

Official Position of Defendant (if relevant): employer

Address of Defendant: 1000 Lowe's Boulevard  
Mooreville, North Carolina 28117

Name of Second Defendant: Damian Dirlam

Official Position of Defendant (if relevant): co worker

Address of Defendant: Lowes 1605 Macedon Parkway  
Macedon ny. 14502

Name of Third Defendant: \_\_\_\_\_

Official Position of Defendant (if relevant): \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Kay Lorraine Sackett

Defendant(s): Lowe's Home Centers LLC  
Damian Dirlam

2. Court (if federal court, name the district; if state court, name the county): See attached  
copy of unresolved case pending in nys Division of  
Human Rights
3. Docket or Index Number: \_\_\_\_\_
4. Name of Judge to whom case was assigned: \_\_\_\_\_
5. The approximate date the action was filed: \_\_\_\_\_
6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☐ plaintiff

☐ defendant.

### 5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) May 2019

defendant (give the **name and (if relevant) the position held** of each defendant involved in this incident)

Damian mocked me wearing braces on my wrists  
He was my co worker. Anthony, district HR  
Frank Mottam store manager  
Chad Florack assistant manager



Damian Mocked me.

did the following to me (briefly state what each defendant named above did): When I reported to HR and to management what Damian had done, they gave me an initial warning for reporting it. They abruptly changed manager. Mike Jones came in to get rid of me. He accused me of stealing time, leaving without management permission. He used Chad Florack and Damian to write me up twice within a three week period, saying I was on final, but I

The federal basis for this claim is: targeted for reporting fraud wasn't

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Give me the chance to tell my story in court, with a jury to decide.

**B. SECOND CLAIM:** On (date of the incident) December 2020  
defendant (give the name and (if relevant) position held of each defendant involved in this incident)

Damian Dirlam coworker, Greg Blair assistant mgr.  
Denise Young manager Ryan Pote assistant mgr.  
did the following to me (briefly state what each defendant named above did): Damian switched a customer to a different carpet never told me. I sold job wrong. Lowes brought in another manager to get rid of me. I was given an initial. Three weeks later a final for not correcting a safety issue I had assigned to someone else because I couldn't lift it.

The federal basis for this claim is: targeted for reporting fraud

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

Hold Lowe's accountable for what they did to me, and to make restitution financially for all the customers they cheated.

If you have additional claims, use the above format to set them out on additional sheets of paper.

**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

*I want justice for myself and Lowe's customers.  
I would have worked 4 more years, I loved my  
job. I spent thousands on a lawyer and mental  
therapy to cope with an unjustified end of a 30  
year employment in flooring.*

Do you want a jury trial? Yes ☒ No ☐

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 5/16/22  
(date)

**NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.**

*Kay Lorraine Sackett*

Signature(s) of Plaintiff(s)

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

KAY LORRAINE SACKETT

Complainant

v.

LOWE'S HOME CENTERS, LLC, DAMIAN DIRLAM

Respondents

NOTICE OF PRE-HEARING  
SETTLEMENT CONFERENCE

Case No.  
10211683

PLEASE TAKE NOTICE that under Section 297 of the Human Rights Law, a Pre-Hearing Settlement Conference on the charges of unlawful discriminatory practices alleged in the verified complaint, as amended, if applicable, will be held before **Lilliana Estrella-Castillo**, an Administrative Law Judge of the State Division of Human Rights as follows:

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Date: Thu 3/17/2022

Start Time: 10:00 AM

End Time: 11:00 AM

Place: All parties individually or jointly with their respective representative(s) must attend by dialing the following toll free number **(518) 549-0500** and when prompted enter the following conference code **956-07-966** followed by the number/pound (#) sign.

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The Division representative assigned to this conference is , . If the complainant is not represented by private counsel, complainant should contact this representative at two weeks prior to the scheduled conference date.

**PLEASE TAKE FURTHER NOTICE**

The Pre-Hearing Settlement Conference shall be devoted exclusively to the settlement of the matter. Therefore, counsel or the representatives of the parties must attend this Pre-Hearing Settlement Conference with full authority to settle the matter.